

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

MARY DOE, as next friend of minor
plaintiff, JANE DOE,

Plaintiff

v.

ROBLOX CORPORATION and
DISCORD INC.,

Defendants.

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CIVIL ACTION NO. 3:25-cv-00128

**DEFENDANT ROBLOX CORPORATION’S REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF DEFENDANT’S MOTION TO DISMISS
COMPLAINT**

I. INTRODUCTION

Defendant Roblox Corporation (“Roblox”) requests this Court take judicial notice of Exhibits A and B in order to evaluate the plausibility of the claims raised by Plaintiffs Mary Doe and Jane Doe (“Plaintiffs”) in the Complaint. Dkt. 1. Specifically, Plaintiffs allege that Roblox failed to disclose safety risks presented on the Roblox platform. Compl. ¶ 222. Plaintiffs allege that instead of disclosing these risks, Roblox and its executives assured parents about the safety of the platform for children. *See, e.g.*, Compl. ¶ 30, 34, 37–42. Plaintiffs claim that Roblox misled them to believe that they would not encounter any objectionable content on the Roblox platform, however Roblox respectfully requests that the Court judicially notice Exhibits A and B as they offer the surrounding context of Plaintiffs’ cherry-picked statements.

This Court may take judicial notice of Exhibits A and B because they are all accessible online and were obtained from a source whose authenticity cannot be reasonably questioned. Pursuant to Federal Rule of Evidence (“Rule”) 201, Roblox respectfully

requests that the Court judicially notice Exhibits A and B in conjunction with Roblox's Motion to Dismiss because they are judicially noticeable.

II. LEGAL STANDARD

The Fifth Circuit allows “a court ruling on a 12(b)(6) motion [to] rely on the complaint, its proper attachments, ‘documents incorporated into the complaint by reference, and matters of which a court may take judicial notice.’” *Innova Hosp. San Antonio, Ltd. P'ship v. Blue Cross & Blue Shield of Georgia, Inc.*, 892 F.3d 719, 726 (5th Cir. 2018) (quoting *Wolcott v. Sebelius*, 635 F.3d 757, 763 (5th Cir. 2011)).

Under Rule 201, at a party's request, courts must take judicial notice of facts “not subject to reasonable dispute” that are capable of “accurate[] and read[y] determin[ation] from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201. The rule authorizes courts to take judicial notice “at any stage of the proceeding,” *id.*, 201(c), including when deciding a motion to dismiss. The Fifth Circuit has held that judicial notice may be taken of “[s]pecific facts and propositions of generalized knowledge which are capable of immediate and accurate determination by resort to easily accessible sources of indisputable accuracy.” *Turner v. Lieutenant Driver*, 848 F.3d 678, 692 n.63 (5th Cir. 2017).

Documents Subject to This Request

- **Exhibit A**: Roblox's 2019 Parent's Guide (“2019 Parent's Guide”), publicly available at the following URL:
<https://web.archive.org/web/20190725131556/https://corp.roblox.com/parents/>.
- **Exhibit B**: Roblox's 2019 Trust and Safety webpage, publicly available at the following URL (“2019 Trust and Safety”):
<https://web.archive.org/web/20190730223007/https://corp.roblox.com/trust-safety/>.

III. ARGUMENT

A. The Court Should Take Judicial Notice of Exhibits A and B.

Exhibits A and B also are subject to judicial notice. Exhibits A and B are copies of various pages from Roblox's website that are publicly available on the Internet Archive's Wayback Machine, and their accuracy has been confirmed by a Roblox employee with personal knowledge. *Weinhoffer v. Davie Shoring, Inc.*, 23 F.4th 579, 584 (5th Cir. 2022) ("our sister circuits have allowed district courts to rely on archived webpages where someone with personal knowledge of the reliability of the archive service has been authenticated"); *see also Banik v. Thompson*, No. 7:16-CV-00462, 2018 WL 11469610, at *4 (S.D. Tex. Jan. 3, 2018) (taking judicial notice of information from a publicly available website); *See Declaration of Ronita Jit in Support of Roblox's Request for Judicial Notice*. Accordingly, Exhibits A and B are properly subject to judicial notice.

IV. CONCLUSION

For the foregoing reasons, Roblox respectfully requests that the Court incorporate by reference the documents and/or take judicial notice of the documents attached as Exhibits A and B to the Declaration of Ronita Jit in Support of Roblox's Request for Judicial Notice.

Dated: June 27, 2025

COOLEY LLP

By: /s/ Tiana Demas

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically using the CM/ECF system which will send notifications of such filing to all counsel of record on June 27, 2025.

/s/ Tiana Demas